

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE
NORTHERN DIVISION

U.S. COURTHOUSE - CHAMBERS 5D
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October 18, 2018

LETTER ORDER

To Counsel of Record: *Altenburg v. Caliber Home Loans, Inc. et al*, Civil Action No. RDB-16-3374 (“*Altenburg* Action”);
Suazo et al v. Select Portfolio Servicing, Inc. et al., Civil Action No. RDB-18-1451 (“*Suazo* Action”);
Robinson et al v. Fay Servicing LLC et al., Civil Action No. RDB-18-2710 (“*Robinson* Action”).

Dear Counsel:

Today this Court held a teleconference with the parties to these three Actions to discuss the impact of the ruling of the Court of Appeals of Maryland in *Blackstone v. Sharma*, __ Md. __, 191 A.3d 1188 (Md. 2018), which held that “foreign statutory trusts are outside of the scope of the collection agency industry regulated and licensed under MCALA [Maryland Collection Agency Licensing Act, Bus. Reg. 7-101, *et seq.*].” This letter confirms the results of today’s teleconference, during which the parties agreed:

1. The Stays in the *Altenburg* Action and the *Suazo* Action **ARE LIFTED**;
2. As to the *Altenburg* Action:
 - a. The claims in the *Altenburg* Action are **DISMISSED WITH PREJUDICE**, and the Clerk of this Court shall **CLOSE THAT CASE**.
 - b. This dismissal with prejudice does not affect the rights of Jeffrey Altenburg to potentially be a class action member in another case under an alternative theory of liability under the Maryland Mortgage Lender Law, Fin. Inst. § 11-501, *et seq.*;
3. As to the *Suazo* Action:
 - a. The Plaintiffs’ declaratory judgment claim (Count I) is **DISMISSED WITH PREJUDICE**;
 - b. The Plaintiffs’ unjust enrichment claims (Counts II and III) are **DISMISSED WITHOUT PREJUDICE** and the Plaintiffs’ inspection

fee claim under Md. Com. Law § 12-121(a)(1)(ii) (Count IV) **REMAINS PENDING;**

- c. However, Plaintiffs may file a Motion for Leave to File an Amended Complaint pursuant to the following briefing schedule:

Plaintiffs' Motion for Leave to File an Amended Complaint:	Nov. 9, 2018
Defendants' Opposition to the Motion:	Dec. 7, 2018
Plaintiffs' Reply to the Opposition:	Dec. 19, 2018

- d. The Defendant Select Portfolio Servicing, Inc. is **DISMISSED WITH PREJUDICE;**

4. As to the *Robinson* Action:

- a. The Plaintiffs' declaratory judgment claim (Count I) is **DISMISSED WITH PREJUDICE;**
- b. The Plaintiffs' remaining claims (Counts II-V) are barred so far as they allege violations of the Maryland Collection Agency Licensing Act, Bus. Reg. 7-101, *et seq.*, but remain as to a theory under the Maryland Mortgage Lender Law, Fin. Inst. § 11-501, *et seq.*;
- c. Currently pending is the Defendants' Motion to Dismiss the remaining claims (ECF No. 8). The briefing schedule on the Defendants' Motion to Dismiss set forth in this Court's previous Order (ECF No. 10) remains in effect:

Plaintiffs' Opposition to the Motion to Dismiss:	Oct. 22, 2018
Defendants' Reply to the Opposition:	Nov. 12, 2018

5. The parties will await this Court's rulings on the forthcoming Motion for Leave to File an Amended Complaint in the *Suazo* Action and currently pending Motion to Dismiss in the *Robinson* Action before addressing the issue of whether consolidation of these Actions is appropriate for discovery and pretrial purposes.

Notwithstanding the informal nature of this letter, it is an Order of this Court and the Clerk is directed to docket it as such.

Sincerely,

/s/
Richard D. Bennett
United States District Judge